

Please add the following new claims:

81. (New) The apparatus of claim 1, wherein the sensor support is planar.
82. (New) The apparatus of claim 1, wherein the fixation device is for engagement with an inner surface of the bodily lumen.
83. (New) The apparatus of claim 1, wherein a shape and a size of the sensor support matches that of the sensor.
- DB 84. (New) The apparatus of claim 1, wherein the sensor support does not directly engage the bodily lumen.

REMARKS

With the addition of claims 81-84, claims 1-84 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration. Applicants acknowledge that claims 20-23 and 41-69 have been withdrawn from consideration pursuant to the election made by Applicants in the Response To Restriction Requirement dated November 4, 1999. Applicants also wish to note with appreciation the indication that claims 10, 15-19, 33, and 34 have been allowed, and that claims 3, 11, 13, 39, 40, 71-73, and 75 include allowable subject matter. Before proceeding to the merits of the Office Action, Applicants wish to point out that the Examiner did not initial and return a copy of a PTO Form-1449 that was sent in an IDS dated May 30, 2002. Applicants are enclosing herewith a courtesy copy of this PTO Form-1449 and are also enclosing a copy of the stamped return receipt postcard as proof of the filing of this form.

Claims 6-9 and 35-37 stand rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In view of the amendments made to claims 6 and 35-37, Applicants submit that this rejection has been obviated.

Claims 1, 2, 4, 5, 12, 14, 24-29, 32, 35-38, 70, 74, and 76-80 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,411,551 to Winston et al. ("Winston"). In order for a reference to anticipate a claim, "every element of the claimed invention must be identically shown in a single reference." In re Bond, 910 F.2d

831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (emphasis added). Applicants respectfully submit that Winston does not identically show every limitation recited in claim 1 because Winston does not show a sensor support that is coupled to a fixation device. In Winston, the stent 40 itself, and not a support coupled to the stent 40, is what supports sensor 60. In particular, a “sensing device broadly referred to by the numeral 60 is affixed (e.g., by conventional adhesive) to the inner surface of sheet 42 adjacent the inner margins 62 thereof.” Column 6, lines 47-49. Sheet 42 constitutes the stent 40 because sheet 42 is what uncoils when deployed in the bodily lumen to reinforce the damaged area of the lumen. See column 6, lines 2-3 (“The assembly [stent] 40 includes an initially flat, thin-metallic sheet 42...” (insertion added)). Therefore, assuming for the sake of argument only that sheet 42 corresponds to the fixation device recited in claim 1, Winston may thus be viewed as showing a fixation device capable of directly supporting a sensor, but may not be viewed as showing a sensor support that is both coupled to the fixation device (sheet 42) and that includes a surface for receiving a sensor. Indeed, in Winston a sensor support as recited in claim 1 would be unnecessary because Winston prefers coupling the sensor 60 directly to the fixation device (sheet 42) itself, and not to a support that is itself coupled to the fixation device. Since sensor 60 is attached directly to sheet 42, and not to any sensor support, Applicants respectfully submit that Winston does not identically teach every limitation recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

With respect to claims 2, 4, 5, 12, 14, 24-29, 32, 35-37, 70, 74, and 76-80, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 1.

With respect to claim 38, Applicants submit that Winston does not identically teach every limitation of claim 38 because this claim recites that the sensor is coupled to a bodily lumen, while the sensor 60 in Winston is coupled to stent 40.

Claims 1 and 71 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,407,296 to Anderson. Applicants submit that Anderson does not identically show every limitation recited in claim 1 because Anderson does not show a sensor support that is coupled to a fixation device. The only element of the Anderson pressure transducer that can reasonably be viewed, for the sake of argument only, as a fixation device are tines 50a, which are described in the patent as “position maintaining structures”. Column 5, line 6. If only tines 50a meet the “fixation device” limitation of claim 1, then any structure that is to correspond to the “sensor support” of claim 1 must be “coupled to the

fixation device" if such a structure is to identically satisfy this claim language. Applicants submit that this is untrue of Anderson because the structure that supports sensor (i.e., pressure transducer) 72 is not coupled to tines 50a. In particular, since pressure transducer 72 "is adhesively bonded to a glass substrate 80", it is glass substrate 80 that serves as the sensor support for the pressure transducer 72 in Anderson. As Figures 3 and 4 illustrate, since transducer 72 and substrate 80 are arranged inside a transducer head 50, substrate 80 cannot be viewed as being coupled to tines 50a, which are disposed on an exterior surface of the transducer head 50. Accordingly, because sensor support 80 in Anderson is not coupled to tines 50a, Anderson does not identically teach a sensor support that is coupled to a fixation device, as recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

As for claim 71, Applicants submit that this claim is patentable for at least the same reasons given in support of the patentability of claim 1.

Claims 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winston. Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 29.

Applicants have added new claims 81-84. Claim 81 recites that the sensor support is planar; claim 82 recites that the fixation device is for engagement with an inner surface of the bodily lumen; claim 83 recites that a shape and a size of the sensor support matches that of the sensor; and claim 84 recites that the sensor support does not directly engage the bodily lumen.. Support for these new claims are found at least in Figures 1A, 2A, and 2B. Applicants submit that these claims are patentable over the art relied on by the Patent Office.

The present invention is new, non-obvious, and useful. Reconsideration and allowance of the claims are respectfully requested.

Respectfully Submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In The Claims

Claims 6 and 35-37 are amended as set forth below:

6. (Amended) The apparatus of claim 5, wherein the anchoring ring further [comprising] comprises at least one piece of material [forming] having a [parameter] perimeter and arranged as at least one sinusoid positioned perpendicular to a plane formed by a cross section of the anchoring ring.

35. (Amended) The method according to claim 24, [wherein] further comprising accomplishing the inserting [is accomplished] during an intervention procedure.

36. (Amended) The method according to claim 24, [wherein] further comprising accomplishing the securing [is accomplished] by expanding the fixation device.

37. (Amended) The method according to claim 36, [wherein] further comprising accomplishing the expanding [is accomplished] by balloon catheterization.

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